

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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Friedrich Lu,	:	
	:	
Plaintiff,	:	No. 2:24-cv-01169-RBS
	:	
v.	:	
	:	
	:	
John F. Kerry, et al.,	:	Honorable R. Barclay Surrick, J.
	:	
Defendants	:	
	:	

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**MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO RESPOND TO  
PLAINTIFF’S AMENDED COMPLAINT FILED ON BEHALF OF DEFENDANTS SEAN PATRICK  
O’MALLEY, FRANCIS J. O’CONNOR, AND ROMAN CATHOLIC ARCHBISHOP OF BOSTON**

*AND NOW*, come Defendants, Sean Patrick O’Malley, Francis J. O’Connor, and Roman Catholic Archbishop of Boston (hereinafter “Defendants”), by and through their undersigned counsel, and submit this Memorandum of Law in Support of Defendants’ Motion for Extension of Time to Respond to Plaintiff’s Amended Complaint.

**I. Procedural History**

March 15, 2024, Plaintiff, Friedrich Lu (hereinafter “Plaintiff”) filed a Complaint in this Court against dozens of individuals and entities in Massachusetts. On April 1, 2024, Plaintiff filed an Amended Complaint, joining additional parties. The “claims” set forth in Plaintiff’s Amended Complaint appear to relate to prior lawsuits filed in state and federal courts in Massachusetts. Plaintiff currently is barred from filing additional lawsuits in the United States District Court for the District of Massachusetts and the Suffolk County Superior Court Division of the Trial Court

Department of the Commonwealth of Massachusetts without complying with certain procedures.<sup>1</sup> Plaintiff previously has attempted to skirt this requirement by bringing claims in this Court that relate solely to issues arising in the Commonwealth of Massachusetts. *See e.g. Lu v. Young*, 2023 WL 5153515 (E.D. Pa. August 10, 2023) (dismissing claims against a Boston-area homeless shelter for lack of jurisdiction).

Plaintiff's Amended Complaint contains thirty-five (35) separate counts, and attempts to incorporate dozens of Plaintiff's prior lawsuits as part of an addendum. The Amended Complaint itself does not set forth *any* factual allegations regarding Defendants, but rather makes the single, conclusory claim, "Cardinal Seán Patrick O'Malley is archbishop, and Francis J O'Connor, general counsel, of the Archdiocese of Boston. Both preapproved collusion with DOJ and judges of state and federal courts -- in *Lu v LaFrazia*, Boston Municipal Court No 2001CV000632 and *Lu v Budd*, US Dist Ct (D.Mass.) No 21-cv-10352."<sup>2</sup>

Cardinal Sean Patrick O'Malley, the Archbishop of the Roman Catholic Diocese of Boston, was out of the country when a copy of the Amended Complaint was mailed to the Cathedral of the Holy Cross. Defendants are still trying to determine if Plaintiff has effectuated proper service.

Defendants intend to move to dismiss Plaintiff's Amended Complaint on the grounds that, *inter alia*, this District Court lacks personal and specific jurisdiction against them, as well as under FED. R. CIV. P. 12(b)(6). The undersigned counsel begins a jury trial on May 9, 2024, in the Court of Common Pleas of Philadelphia County, Pennsylvania.<sup>3</sup> In light of the issues with service, the nature of Plaintiff's claims, and counsel's trial schedule, Defendant now seek an extension of time to respond to Plaintiff's Amended Complaint.

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<sup>1</sup> See Exhibit "A".

<sup>2</sup> Docket Item No. 8, at ¶ 16(a).

<sup>3</sup> *Franklin v. East Falls Community Council, et al.*, August Term 2020, No. 00921.

## **II. Legal Argument**

Pursuant to FED. R. CIV. P. 6(b)(1)(a), “When an act may or must be done within a specified time, the court may, for good cause, extend the time ... with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.” Courts in this District apply Rule 6(b)(1) to requests for extensions to respond to a complaint even after the time period set forth in FED. R. CIV. P. 12(a) has expired. *See e.g. Maldonado v. SecTek, Inc.*, 2019 WL 3759451, \*2 (E.D. Pa. August 8, 2019) (granting a motion for extension under Rule 6(a)(1) after a request for default had been filed). In this case, good cause exists for an extension. As noted above, Cardinal O’Malley was out of the country when the mail containing the Amended Complaint was delivered. Cardinal O’Malley did not receive that document until his return from that trip. Second, the claim against Defendants relates to issues involving lawsuits in the Commonwealth of Massachusetts. As such, Defendants needed to obtain counsel in a foreign jurisdiction. Third, the Amended Complaint incorporates dozens of previous lawsuits against various parties that counsel must review and address in a motion to dismiss. Finally, the undersigned counsel commences jury selection in an unrelated trial on May 9, 2024. As such, there is cause to grant the extension requested.

## **III. Conclusion**

In light of the foregoing, tis Court should grant this motion and extend the deadline for Defendants to respond to Plaintiff’s Amended Complaint until June 6, 2024.

Respectfully submitted,

**DEASEY, MAHONEY & VALENTINI, LTD.**

By: /s/ *Rufus A. Jennings*

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Attorney for Defendants  
Sean Patrick O'Malley, Francis J. O'Connor,  
and Roman Catholic Archbishop of Boston

Date: May 6, 2024